

EXHIBIT 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

YASMINA MOHAMMED P/K/A
SOMALIA,

PLAINTIFF,

vs.

CASE NO. 1:18-CV-08469-JSR

ABEL MAKKONEN TESFAYE P/K/A
THE WEEKND; GUILLAUME EMMANUEL
DE HOMEM-CHRISTO AND THOMAS
BANGALTER P/K/A DAFT PUNK;
MARTIN MCKINNEY P/K/A DOC;
HENRY WALTER P/K/A CIRKUT;
JASON QUENNEVILLE P/K/A
DAHEALA, XO RECORDS, LLC;
REPUBLIC RECORDS; UNIVERSAL
MUSIC GROUP; WILLIAM USCHOLD
P/K/A WILL U; TYRONE
DANGERFIELD P/K/A TABOO!!;
SQUAD MUSIC GROUP; AND DOES
1-10,

DEFENDANTS.

TELEPHONIC DEPOSITION OF

ABEL MAKKONEN TESFAYE P/K/A THE WEEKND

WEDNESDAY, NOVEMBER 28, 2018

REPORTED BY:
TISHA C. OKUMA
CSR NO. 9774

1 MR. ANDERSON: I think he just needs to
2 know -- I mean, the thing is, it's over a quarter-inch
3 thick, but --

4 Q. BY MR. LOWE: Well, let's go to the various
5 different pages. They're Bates stamped pages.

6 A. Okay.

7 Q. And so let's first go to Bates stamped page
8 -44.

9 MR. ANDERSON: Do you know what "Bates stamped
10 page" means?

11 THE WITNESS: No.

12 MR. ANDERSON: You see the bold numbers that
13 begin with "W"? He's talking about that number.

14 THE WITNESS: Oh. So -44?

15 MR. ANDERSON: Yes.

16 Q. BY MR. LOWE: So XO & Co., Inc., is that a
17 company that you owned?

18 A. Yes, sir.

19 Q. Okay. And is that your signature?

20 A. Yes. It is.

21 Q. All right. Now, two pages before that,
22 Bates stamped -42, under the "Choice of Law" provision,
23 were you the one that requested New York law, or was
24 that Republic Records, or do you know?

25 A. I don't know.

1 Records?

2 **A.** An estimate, I have met him around the world
3 in London, Toronto, New York, Los Angeles. If you want
4 to add it all up, I would estimate, maybe, six times,
5 seven times.

6 **Q.** All right. Of those six or seven times that
7 you've met him in person, how many of those times were
8 in New York?

9 MR. ANDERSON: Within the last five years.

10 THE WITNESS: Within the last five years,
11 every New York show, every major New York show, he has
12 shown up. So I would estimate, maybe, four times
13 New York.

14 **Q.** BY MR. LOWE: All right. And do you also
15 speak to him by phone regularly?

16 MR. ANDERSON: Objection as to form.

17 THE WITNESS: Sorry. What was that?

18 MR. ANDERSON: For me, for the record, I'm
19 just saying that I think there is a problem with the
20 form of the question --

21 THE WITNESS: I can still answer?

22 MR. ANDERSON: You can still answer.

23 THE WITNESS: Can you repeat the question?

24 **Q.** BY MR. LOWE: Do you also speak to him by
25 phone regularly?

1 **A.** Yes. I do.

2 **Q.** Is there anybody else at Republic Records that
3 you communicate with as much as you communicate with
4 Monte Lipman?

5 **A.** As much, no.

6 **Q.** All right.

7 **A.** Sorry. Can I repeat -- can I re-answer?

8 MR. ANDERSON: Objection as to form. You mean
9 as much or more, or just exactly the same amount?

10 MR. LOWE: No.

11 **Q.** BY MR. LOWE: In other words, is he the main
12 person at -- well, let me rephrase that. Strike that.
13 Do you communicate with Monte Lipman the most
14 frequently of anybody at Republic Records?

15 **A.** No.

16 **Q.** Okay. Who do you communicate with more
17 frequently?

18 **A.** Wendy Goldstein.

19 **Q.** Anybody else?

20 **A.** In around that ballpark, his brother,
21 Avery Lipman, but not really. I would say Wendy,
22 Wendy Goldstein.

23 **Q.** Okay. What is her position?

24 **A.** She's an A&R for Republic.

25 **Q.** Okay. And where is she located?

1 **A.** No. I'm not the sole owner of it.

2 **Q.** Who else owns The Weeknd XO, Inc.?

3 (Pause in the proceedings from 7:21 p.m. to
4 7:22 p.m.)

5 **Q.** BY MR. LOWE: So who else owns The Weeknd XO,
6 Inc., besides you?

7 **A.** Yes. So can I re-answer that question?
8 Sorry.

9 **Q.** Yes.

10 **A.** I got mixed up between XO, which is another
11 company I own, and The Weeknd XO, Inc.

12 Yes. I'm the sole owner of The Weeknd XO,
13 Inc.

14 **Q.** All right. Now, is there also an entity
15 called "The Weeknd XO USA, Inc."?

16 **A.** I don't -- I don't know.

17 **Q.** All right. And then you also signed
18 individually at the very bottom of Exhibit 7 as well,
19 correct?

20 **A.** That's Exhibit 7?

21 MR. ANDERSON: That's Exhibit 7.

22 THE WITNESS: Yes. I did.

23 (Plaintiff's Exhibit No. 7 was marked
24 for identification and is attached hereto.)

25 **Q.** BY MR. LOWE: All right. Let's go on to

1 Q. All right. And is it your understanding,
2 based on the first page of this document, that
3 Universal Republic Records was located in New York in or
4 about March of 2016?

5 MR. ANDERSON: Objection as to form.

6 THE WITNESS: Repeat the question. Sorry.

7 MR. LOWE: Can the court reporter read it
8 back, please?

9 The court reporter's going to read it back.

10 (Record read by the reporter as follows:

11 "Q. And is it your understanding, based
12 on the first page of this document, that
13 Universal Republic Records was located in
14 New York in or about March of 2016?")

15 THE WITNESS: Yes. It is.

16 MR. LOWE: Okay. All right.

17 (Plaintiff's Exhibit No. 11 was marked
18 for identification and is attached hereto.)

19 Q. BY MR. LOWE: Now, let's go to Exhibit 11.

20 And this is a document that was produced that appears to
21 reflect that you paid some taxes to New York; is that
22 correct?

23 MR. ANDERSON: Objection as to form.

24 Don't you need to ask him if he's ever seen it
25 before?

1 Q. BY MR. LOWE: Let's go to Exhibit 12.

2 Have you had an opportunity to look at Exhibit
3 12 before now?

4 A. No. I'm looking at it right now.

5 Q. Okay. Well, Exhibit 12 is an article that
6 appeared in USA Today on or about November 17th, 2015,
7 and in the second paragraph, it says that, "The Weeknd
8 took a moment to reminisce on his 'long-term
9 relationship with New York,'" during your sold out show
10 at Madison Square Garden.

11 First of all, do you recall performing at
12 Madison Square Garden in New York City?

13 A. Yes. I do.

14 Q. All right. And how many times have you
15 performed at Madison Square Garden?

16 A. I think twice.

17 Q. All right.

18 A. No. I think four times.

19 Q. Four times. Got it.

20 And did you do two shows in 2015?

21 A. I believe I did one show in Madison Square
22 Garden in 2015, and two shows at the Barclays in
23 Brooklyn.

24 Q. Right. But I'm not asking about Barclays yet.
25 I'm just asking about Madison Square Garden.

1 Q. Okay. And then I want you to go to page -98
2 and tell me if that's your signature again, Bates
3 stamped page -98?

4 A. Yeah. That's me.

5 Q. Okay. And you signed this in both places on
6 behalf of The Weeknd XO US, LLC, correct?

7 A. Yes, sir.

8 Q. All right. And that's an entity that you're
9 the sole owner of?

10 A. My signature?

11 Q. No.

12 I'm asking if whether or not The Weeknd XO US,
13 LLC, is an entity that you own?

14 A. Yeah. Yes. It is.

15 Q. Okay. Are you the sole owner of that entity?

16 A. Yes. I am.

17 Q. All right. Now, I also notice that on page
18 Bates stamp -93 --

19 A. Yes.

20 Q. -- it says that, according to this, "the only
21 person who will be taking occupancy of the apartment is
22 Abel Tesfaye who is the sole member of lessee."

23 Do you see that?

24 A. Sorry. Repeat that again.

25 Q. If you look at paragraph 2 on Bates stamped

1 page -93 of this lease, it says that you are going to be
2 the sole occupant.

3 Do you see that?

4 **A.** Yes. I see that.

5 **Q.** Okay. I mean, it also says, at the bottom,
6 that you're permitted to have your girlfriend and
7 occasional guests, but you are identified as the sole
8 occupant, correct?

9 **A.** Yes.

10 MR. ANDERSON: Objection as to form.

11 THE WITNESS: Yes, sir.

12 **Q.** BY MR. LOWE: Okay. And you entered into this
13 lease in or about September of 2018, correct?

14 MR. ANDERSON: Objection. Mischaracterizes
15 the document.

16 THE WITNESS: Well, I don't remember when I
17 signed it. Sorry.

18 **Q.** BY MR. LOWE: Let me go --

19 **A.** I read it wrong. I read the date wrong.

20 Sorry. Go ahead and ask your question again.

21 **Q.** Okay. So it says on the very first page of
22 this Bates stamped page -87, it says, "This lease is
23 made out as of September 2018."

24 Do you see that?

25 **A.** Yes. I saw that.

1 What page is it?

2 MR. ANDERSON: First page of the exhibit. And
3 look to the language he's talking about.

4 THE WITNESS: Okay. Cool. Sorry about that.

5 **Q.** BY MR. LOWE: Okay. So it is correct that you
6 entered into this lease in September of 2018, correct?

7 MR. ANDERSON: Objection. Calls for a legal
8 conclusion.

9 THE WITNESS: I don't remember.

10 **Q.** BY MR. LOWE: All right. Well, do you have
11 any reason to believe that that's not correct?

12 **A.** No. I just believe I might have signed it --
13 or I might have -- it could have been after. I don't
14 remember.

15 **Q.** It could have been after September of 2018?

16 **A.** Yes. It could have been October. I remember
17 it was a gift for my girlfriend. So her birthday was in
18 October, so that's when I remember.

19 **Q.** Okay. All right. You were actually entitled
20 to occupancy on October 3rd, right?

21 **A.** Yes, sir.

22 **Q.** All right. So in terms of when you signed it,
23 it appears, it says, it's made as of September 2018.

24 Do you have any reason to believe that you did
25 not enter into this lease in September of 2018?

1 MR. ANDERSON: Objection as to form.

2 Why don't you just ask him if he knows when he
3 signed it?

4 MR. LOWE: Well, he's already said he doesn't
5 know, so I'm asking whether or not he has any reason to
6 believe that the September 2018 date, in the first
7 paragraph, is incorrect.

8 THE WITNESS: I have no idea when I signed it.

9 Q. BY MR. LOWE: All right. Well, could it have
10 been earlier than September of 2018?

11 A. No.

12 Q. Okay. So it had to be in September of 2018,
13 but you don't recall the date, or you think it could
14 have been on October 1st or on the 2nd?

15 MR. ANDERSON: Objection. He's already
16 testified to this. I'm not sure why you're going over
17 it.

18 MR. LOWE: All right. Okay.

19 Q. BY MR. LOWE: Bottom line is, you don't know,
20 correct?

21 A. Yeah. I don't know. Sorry.

22 Q. No. That's okay.

23 All right. And there's articles that indicate
24 that you're living there with Bella Hadid.

25 Is that an accurate statement?

1 MR. ANDERSON: Objection as to form.

2 What you just said or what the article said?

3 MR. LOWE: What I just said.

4 THE WITNESS: Sorry. Can you rephrase the
5 question?

6 Q. BY MR. LOWE: Sure. Is Miss Hadid, Bella
7 Hadid, living in that condo with you?

8 A. Yes. Her stuff is with me. Her name is not
9 on the lease, but she is living with me. Yes.

10 Q. Okay. And is it your understanding that she
11 is a resident of New York?

12 A. Yes.

13 Q. Okay.

14 A. She lives in New York. Yes.

15 Q. All right. And is it a 5,000 square foot
16 condominium?

17 A. Is that what it says? I have no idea.

18 Q. Oh, okay. Well that's what the article said.

19 A. Oh, okay. Maybe. I have no idea.

20 Q. All right.

21 A. I can tell you it's three floors.

22 Q. Three floors. Got it.

23 In Tribeca?

24 A. In Tribeca. Yes.

25 Q. All right.

1 it come about?

2 **A.** I had originally written a song concept with
3 Quenneville. Never used it. And I ended up going to
4 Paris to meet up with Daft Punk while I was working on
5 Starboy. This is all while making Starboy.

6 And I had created -- they created a drum
7 pattern, and we made the music and the composition. And
8 I took some of the concepts idea, melody and lyrics from
9 the original song from Quenneville, and I put it on -- I
10 added it on to the Starboy record.

11 **Q.** Okay. So let me see if I understand this
12 correctly.

13 **A.** Sure.

14 **Q.** So you went to Paris, at some point, to work
15 on the Starboy song with Daft Punk, correct?

16 **A.** Yes, sir.

17 **Q.** And they --

18 **MR. ANDERSON:** I think there's -- can I help
19 you, Steve? Is it Steven?

20 **MR. LOWE:** Well, I prefer not -- I prefer to
21 try to get this from the witness if at all possible.

22 **MR. ANDERSON:** Okay. Go ahead.

23 **Q.** **BY MR. LOWE:** All right. So at the time that
24 you went to Paris to meet with Daft Punk, you had --

25 **A.** Yes.

1 Q. -- some preexisting idea for a song from
2 something that you had done with Quenneville, correct?

3 A. Yes, sir.

4 Q. And was that a song called "Ebony" or
5 something that he mentioned?

6 A. It was called -- yeah. It was a file was
7 called "Ebony."

8 Q. File was called "Ebony."

9 And Mr. Quenneville testified, that idea ended
10 up becoming some portion, apparently, of the prechorus?

11 A. Yes, sir.

12 Q. Okay. Now, Daft Punk, what they did is they
13 came up with, like, a drum pattern?

14 A. Yes. So they made the beat in front of me,
15 the rhythm, the drum pattern. And then Thomas, who is
16 one member of Daft Punk, started playing piano chords
17 that I started singing over.

18 And I had written a song over it. And I took
19 a piece of Ebony, and I puddled it into the prehook,
20 which then made -- automatically made Quenneville a part
21 of the song.

22 Q. Okay. So you basically created the melody?

23 A. The melody, the lyrics, yes, and the idea.

24 Q. Okay. Did you create any of the -- were you
25 involved in producing, at all, the music?

1 Do you know how you came about that
2 understanding?

3 **A.** Repeat that. Sorry.

4 **Q.** In the Declaration that you filed, in this
5 case, it says, "My understanding is that the Starboy
6 sound recording was mastered at a studio in New York."

7 Do you know how you came to that
8 understanding?

9 **A.** No. To be honest with you, my lawyers handled
10 it, and I didn't read the entire Declaration.

11 **Q.** Okay. All right. Well, we'll go through that
12 a little bit more in a minute.

13 **A.** Okay.

14 **MR. LOWE:** So now let's turn to **Exhibit 20**.

15 (Plaintiff's Exhibit No. 20 was marked
16 for identification and is attached hereto.)

17 **Q.** **BY MR. LOWE:** And this is, again, an article,
18 and it seems to mention that you attended the Harper's
19 Bazaar Icons by Carine Roitfeld party at The Plaza Hotel
20 on September 8th, 2017, in New York City.

21 Is that accurate?

22 **A.** That's my picture. Yes.

23 **Q.** Do you recall attending that function?

24 **A.** Yes, sir. Yes. I do.

25 **Q.** All right. Are you also involved in promoting

1 (Plaintiff's Exhibit No. 21 was marked
2 for identification and is attached hereto.)

3 Q. BY MR. LOWE: Before we get to Exhibit 21,
4 Mr. Quenneville testified that he was with you at a
5 performance at Radio City Music Hall.

6 Did you perform at Radio City Music Hall?

7 A. Yes. I have.

8 Q. Do you recall when? What year?

9 A. 2013.

10 Q. All right. Have you performed there since
11 2013?

12 A. No.

13 Q. Now, on Exhibit 21, it makes reference to a
14 Victoria's Secret show?

15 A. Uh-huh.

16 Q. Do you recall attending a fashion event in
17 New York City for Victoria's Secret?

18 A. Yes. I do.

19 Q. When was that?

20 A. It was in November. This month.

21 Q. Oh.

22 A. Right before I left to Asia.

23 Q. Oh, got it. Okay.

24 And then you also recall performing at
25 Central Park, correct?

1 **A.** Yes, sir.

2 **Q.** And was that in September of 2018?

3 **A.** Yes, sir.

4 MR. LOWE: All right. Let's go to your
5 Declaration for a minute. And that is **Exhibit 3**.

6 (Plaintiff's Exhibit No. 3 was marked
7 for identification and is attached hereto.)

8 **Q.** BY MR. LOWE: But let me go to page 4 of this.

9 So, first of all, it mentions your personal managers,
10 Tony Wassim Salibi and Amir Esmailian?

11 **A.** Yes, sir.

12 **Q.** Are those your personal managers?

13 **A.** Yes. They are.

14 **Q.** All right. Where are they located?

15 **A.** They're located in Los Angeles.

16 **Q.** Do you know if they also have offices in
17 California?

18 MR. ANDERSON: Los Angeles is in California.

19 MR. LOWE: I'm sorry.

20 **Q.** BY MR. LOWE: Do they also have offices in
21 New York?

22 **A.** No. They do not.

23 **Q.** All right. Now, were they present in the
24 recording studio when Starboy was recorded?

25 **A.** No. They were not. They were present when I

1 Henry Walter?

2 **A.** Those are the other co-writers that you see on
3 the song, on the splits.

4 **Q.** Right.

5 And their contribution, if I recall correctly,
6 to the song was they came in to help kind of polish the
7 song and make it cohesive with the rest of the album?

8 **A.** Yes. Additional production.

9 **Q.** All right. Mr. McKinney and Mr. Walter, they
10 did not contribute any of the music or lyrics, did they?

11 **A.** No. They did not.

12 **Q.** All right. And why do you believe
13 Mr. McKinney resides in Toronto?

14 **A.** I don't like to speak on his behalf, but I can
15 assume it's because of his children are in Toronto.

16 **Q.** Okay.

17 **A.** And they're teenagers, so he wants to be with
18 them.

19 **Q.** So do you know where he lives?

20 **A.** In Toronto.

21 **Q.** All right. And has he told you that?

22 **A.** Not recently.

23 **Q.** Okay. And Henry Walter, where does he live;
24 do you know?

25 **A.** He lives in Los Angeles.

DEPONENT'S DECLARATION

I, ABEL TESFAYE, hereby declare:

I have read the foregoing deposition transcript, I identify it as my own, and I have made any corrections, additions, or deletions that I was desirous of making in order to render the within transcript true and correct.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

(Date)

(City and State)

(Signature)

1 STATE OF CALIFORNIA)
) SS.
2 COUNTY OF LOS ANGELES)
3

4 I, Tisha C. Okuma, Certified Shorthand
5 Reporter, Certificate No. 9774 in the State of
6 California, duly empowered to administer oaths, do
7 hereby certify:

8 I am the deposition officer that
9 stenographically recorded the testimony in the foregoing
10 deposition;

11 Prior to being examined, the deponent was by
12 me first duly sworn;

13 The foregoing transcript is a true record of
14 the testimony given;

15 I was relieved of my duty pursuant to Code
16 of Civil Procedure, Section 2025 (Q)(1), and therefore
17 any changes made by the deponent or whether or not the
18 deponent signed the transcript are not set forth.

19

20 Dated _____, Los Angeles, California.

21

22

23

24

25